

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL FARMER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-00003-CV-W-LMC
)	
CARRINGTON MORTGAGE)	
SERVICES, LLC,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff Michael Farmer’s Application for Leave to File Action Without Payment of Fees, With Affidavit of Financial Status in Support. (Doc. ##1, 2.) Pursuant to 28 U.S.C. § 1915(a)(1), this Court may authorize the commencement or prosecution of any suit without prepayment of fees upon the filing of an affidavit stating that the applicant is unable to pay the costs of the lawsuit. The trial court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915(a)(1). *Lee v. McDonald's Corp.*, 231 F.3d 456, 458 (8th Cir. 2000).

A party need not be absolutely destitute to enjoy the benefits of this statute. A plaintiff makes a sufficient showing of poverty if the affidavit in support of the application to proceed without prepayment of fees shows that the applicant would be forced to give up the basic necessities of life for the applicant and any dependents if required to pay the costs of the lawsuit. *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339, 69 S.Ct. 85 (1948); *See* Local Rule 83.7(a) (in determining whether to permit an applicant to proceed in forma pauperis, the Court

looks to whether the applicant would have to “give up the basic necessities of life” in order to pay the filing fee.)

Plaintiff’s affidavit utilized an AO form. Per Local Rule 83.7(a), the affidavit “must either be on the form provided by the Clerk, or else contain the same information requested on the Clerk’s form.” The form utilized by Plaintiff does not provide all requested information. Accordingly, it is

ORDERED that within 21 days, Plaintiff shall file an updated financial affidavit utilizing the local Affidavit of Financial Status form. It is further,

ORDERED that the Clerk of Court shall provide the Affidavit of Financial Status to Plaintiff.

/s/ Lajuana M. Counts

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE